

COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

SOFIA ZELDIN & BORIS ZELDIN,

Plaintiff(s)

Index No. 07 CIV 9608

against
DAISUKE NONAKA, M.D. ET AL.,

Defendant(s)

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)**

IN A CIVIL ACTION, CIVIL COVER SHEET, INDIVIDUAL PRACTICES OF JUDGE HAROLD BAER, JR.

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at BROOKLYN, NEW YORK
 That on 11/7/07 at 12:37 PM, at 560 1ST AVENUE, NEW YORK, NEW YORK
 deponent served the within summons, *and complaint on* XINMIN ZHANG, M.D. defendant therein named,
 IN A CIVIL ACTION, CIVIL COVER SHEET, INDIVIDUAL PRACTICES OF JUDGE HAROLD BAER, JR.

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to JENNIFER FARIA (CO-WORKER) a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILED ON: 11/9/07 AT 10:00 A.M.
C/O NYU MEDICAL CENTER

MAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at 560 1ST AVE, NEW YORK, NEW YORK 10016 in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient ~~xxx civilian xxx civilian xxx civilian xxx military xxx~~. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
11/9/07

JOHN DICANIO
Notary Public, State of New York
No. 01D14977768
Qualified in Westchester County
Commission Expires Feb. 11, 2011

PRINT NAME beneath signature

JEROME E. GOLDMAN

License No..... 1239192

UNITED STATES DISTRICT COURT

Southern _____ District of New York _____

SOFIA ZELDIN & BORIS ZELDIN,

SUMMONS IN A CIVIL ACTION

Plaintiffs,

- against -

DAISUKE NONAKA, M.D., DAVID ROTH, M.D.
Ph.D, MAX M. COHEN, M.D., XINMIN ZHANG,
M.D., and NYU MEDICAL CENTER,

Case No.:
07 CV 9608

Defendant.

JUDGE BAER

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To: Xinmin Zhang, M.D.
NYU Medical Science Building
550 First Avenue
New York, NY 10016

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFFS' ATTORNEY

Noah Kushlefsky, Esq.
KREINDLER & KREINDLER LLP
100 Park Avenue
New York, NY 10017

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON
CLERK *Marcos Quintero*

OCT 29 2007

DATE

BY DEPUTY CLERK

RECEIVED IN DEAN'S OFFICE

ON 11/7/07 AT 12:37 BY
Jennifer Faria WITH FEE

PROCESS SERVER